

International institutions are merely vehicles for great power interests. Discuss.

Realism portrays international relations as an arena for a relentless security competition between actors.<sup>1</sup> The anarchical nature of the international system lacks a central ruling authority. This absence of international sovereignty produces uncertainty and fear amongst actors. The mechanism of self-reliance is the only guarantee of individual security and survival within such a system. Within realism sovereign states are the actors in this international drama. Kenneth Waltz asserts 'so long as the *major* states are the *major* actors the structure of international politics is defined in terms of them.'<sup>2</sup> The Athenian position, outlined in the Melian dialogue, highlights powerful states pursue self-interest at the expense of others. Cooperation between states, despite the negative influence of self-interest, does occur. Two reasons for this cooperation are sovereignty and conflict.

Sovereignty implies a mutual recognition of territorial integrity of units within the system. This reciprocity provides the basis to establish relations between states. Second, cooperation within anarchy mitigates conflict. An absence of conflict contributes to stability and reinforces order within the system. Great powers, as major actors, maintain an interest in the preservation of order. States use international institutions as a tool of cooperation to achieve international order.

International institutions are sometimes confused with international organisations. International organisations, such as the United Nations (UN), are physical entities with staff and facilities. On the other hand international institutions are 'persistent and connected sets of rules (formal and informal) that prescribe behavioural roles, constrain activity, and shape expectations.'<sup>3</sup>

Realists contend these rules reflect state assessments of self interest based on the distribution of power within the international system. The great powers create and shape institutions to maintain or increase their share of world power. Essentially, institutions are 'arenas for acting out power relationships.'<sup>4</sup> Hedley Bull believes there is greater plurality within international relations than suggested by realists. Bull asserts states form an international society sharing common interests, values, and goals.<sup>5</sup> Christian Reus-Smit determines international societies are historically and culturally specific. Reus-Smit identifies a range of societies from Ancient Greece to

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<sup>1</sup> John Mearsheimer, 'The False Promise of International Institutions', *International Security*, Vol. 19, No. 3, Winter 1994/1995, p.9.

<sup>2</sup> Kenneth Waltz, *Theory of International Politics*, McGraw-Hill, New York, 1979, pp.93-94.

<sup>3</sup> Robert Keohane, *International Institutions and State Power Essays in International Relations Theory*, Westview Press, Colorado, 1989, p.163.

<sup>4</sup> John Mearsheimer, op.cit., p.13.

<sup>5</sup> Hedley Bull, *The Anarchical Society A Study of Order in World Politics*, Macmillan, London, 1977, p.13.

the modern society of states.<sup>6</sup> He proposes each society has three levels of international institutions; foundational, fundamental, and issue-specific.

This essay examines the modern international society of states with a focus on the foundational institution of sovereignty and the fundamental institutions of multilateralism, security, and international law. The construction and shaping of these international institutions, the role of the great powers, and the impact on the notions of order and governance are given particular emphasis.

A level of ambiguity pervades the concept of international institutions. The media often refers to the UN and NATO as institutions. International relations scholars identify the UN and NATO as international organisations. International institutions infer less physical presence than their organisational counterparts. Realists largely accept Keohane's neoliberal definition of institutions. John Mearsheimer asserts institutions are 'a set of rules that stipulate the ways in which *states* should co-operate and compete with each other.'<sup>7</sup> The crucial difference between Keohane and Mearsheimer resides with the latter's emphasis on the role of the state within the process. Mearsheimer adds institutions 'prescribe acceptable forms of state behaviour, and proscribe unacceptable kinds of behaviour.'<sup>8</sup>

Reus-Smit advocates three tiers of international institutions. These tiers are hierarchically ordered with constitutional structures shaping fundamental institutions, and these basic institutional practices conditioning issue-specific regimes. Constitutional structures or foundational institutions represent the metavalues defining legitimate statehood and rightful state action. These structures consist of the moral purpose of the state, the organising principle of the structure and the systemic norm of procedural justice.<sup>9</sup> Liberal sovereignty is the organising principle within the modern society of states. Sovereignty is the primary identity value of the international system. Sovereignty empowers and legitimates units or agents within the system.

The Peace of Westphalia denotes the beginning of the modern state system.<sup>10</sup> The Westphalian Peace established a system of sovereign entities via the rejection of political subservience to the authority of the pope and the Roman Catholic Church. The victorious Protestant great powers advanced a system validating their release

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<sup>6</sup> Christian Reus-Smit, *The Moral Purpose of the State Culture, Social Identity, and Institutional Rationality in International Relations*, Princeton University Press, Princeton, 1999, p.7.

<sup>7</sup> John Mearsheimer, *ibid.*, p.8.

<sup>8</sup> *loc.cit.*

<sup>9</sup> Reus Smit, *op.cit.*, pp.14-15.

<sup>10</sup> There is much scholarly debate over the emergence of the modern society of sovereign states. Martin Wight suggest the Council of Constance (1414-18), Hinsley prefers an unspecified time in the eighteenth century. Holsti advocates the Peace of Westphalia (1648) for the introduction of a new order – an order created by states, for states. For the purposes of this essay, despite the academic conjecture, Westphalia is accepted as the start of an order fundamentally different from the feudal regime previously in existence.

from papal authority.<sup>11</sup> This sovereignty concentrated social, economic, and political life around a single site of governance. Feudal society, the forerunner to the Westphalian state system, lacked this centralisation of political arrangements. Gradually, sovereignty came to underpin a system based on territorial exclusivity possessing a monopoly on the legitimate use of violence. Simultaneously, the sovereign state redefined the concept of private property; the right to exclude others from possession of a commodity.<sup>12</sup> Sovereignty became a binary construction of space distinguishing between ‘the domesticated interior and the anarchical exterior.’<sup>13</sup>

Realists unquestioningly accept the Westphalian notion of sovereignty. Mearsheimer asserts sovereignty is one of the key assumptions of realism.<sup>14</sup> For realists, the phrase sovereign state is almost a tautology. A state is sovereign, without sovereignty a state does not exist and, therefore, is precluded from participation within the international system. This sovereignty involves a degree of reciprocity. States recognise the sovereignty of others to receive mutual recognition of their own sovereignty.

Paul derides the binary Westphalian ontology preferring a more polyphonic approach. He suggests the concentration on survivalist ideas of state creates a Westphalian blind alley, and neglects the overlapping political authorities within a given space.<sup>15</sup> Laski argues such a totalising stance ignores the historic logic of the sovereign state. Sovereignty is temporally captive – a historical product with its genesis in the problems of sixteenth and seventeenth century Europe. Krasner highlights there was always a complexity within sovereignty despite insistent realist denials.

*The view...the Westphalian system implies...sovereignty has a taken-for-granted quality is wrong. The actual content of sovereignty, the scope of authority that states exercise, has always been contested.*<sup>16</sup>

This complexity may lead to the ‘end of sovereignty.’<sup>17</sup> Ken Booth observes the disintegration of sovereignty and asks if ‘...the traditional distinction between

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<sup>11</sup> *ibid.*, p.112, the victorious powers were England, France, Sweden and Holland.

<sup>12</sup> Joseph Camilleri & Joe Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World*, Edward Elgar, Aldershot, 1992, p.14.

<sup>13</sup> Richard Devetak & Richard Higgott, ‘Justice unbound? Globalisation, states and the transformation of the social bond’, *International Affairs*, Vol. 75, No. 3, July 1999, p.486.

<sup>14</sup> Mearsheimer, *op.cit.*, p.10.

<sup>15</sup> Darel Paul, ‘Sovereignty, survival and the Westphalian blind alley in International Relations’, *Review of International Studies*, Vol. 25, No. 2, April 1999, pp.217-231.

<sup>16</sup> Stephen Krasner ‘Westphalia and All That’, in Judith Goldstein and Robert Keohane (eds.), *Ideas and Foreign Policy*, Cornell University Press, 1993, p.235 in A. Claire Cutler, ‘Critical reflections on the Westphalian assumptions of international law and organisation: a crisis of legitimacy’, *Review of International Studies*, Vol. 27, No. 3, April 2001, p. 135.

<sup>17</sup> Camilleri, J.A. & Falk, J., *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World*, Edward Elgar, Aldershot, 1992.

‘foreign’ and ‘domestic’ policy is less tenable than ever.’<sup>18</sup> Increasingly, non-state challenges to sovereignty, such as the influence of Non-State Actors (NSA) and globalisation, produce a porous and complex sovereignty.

Global access to ideas, from racial equality to environmental concerns, impinge upon state sovereignty. The rise of NSA within the political process represent a range of global social and economic issues formerly considered the sole preserve of the state. Non Government Organisations (NGO) play a vital role in the rewriting of the contract between the individual and the state implicit within sovereignty. The number and influence of NGOs attests to their success within this regard. Papp states there were nearly 5,000 NGOs in 1993. The success of Greenpeace’s ‘Save the Whale’ campaign, reduction of French nuclear testing in the South Pacific, and participation of NGOs in a range of UN sponsored conferences attest to the increasing influence of NGOs.<sup>19</sup> Thus, global connections and global consciousness undercut Westphalian sovereignty.

State action is also redefining sovereignty. Germany and Japan, although long accorded the full panoply of sovereign rights, continue to constitutionally their power and sovereignty. Their ‘peace constitutions’ and voluntary dismissal of nuclear weapons prevent their restoration to great power status. Deudney characterises these two states as ‘semi-sovereign’ and ‘partial great powers’ for their eschewing of the full complement of Westphalian and realist power.<sup>20</sup>

Attacks from within, without and by the state suggest the possibility of a world order transcending the international order. Such an order incorporates an element of justice as global civil society contains concerns for concepts both within and beyond sovereign borders. The porous nature of the institution of sovereignty suggests either the demise of sovereignty or the rise of the postmodern state. Either way sovereignty is shaping the social identity of the state and constructing meanings beyond the narrow realist creation of 1648.

Reus-Smit defines fundamental institutions as ‘the elementary rules for practice that states formulate to solve coordination and collaboration problems associated with coexistence under anarchy.’<sup>21</sup> Bull identifies five major institutions within international

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<sup>18</sup> Ken Booth, ‘Security in anarchy: utopian realism in theory and practice’, *International Affairs*, Vol. 67, No. 3, July 1991, p.542.

<sup>19</sup> These conferences include the Rio Earth Summit (1992), the Copenhagen Conference on Social Development (1995), and the Beijing Conference on Women (1995).

<sup>20</sup> Daniel Deudney, & John Ikenberry, ‘The Nature and Sources of Liberal International Order’, *Review of International Studies*, Vol. 25, No. 2, April 1999, pp.187-188. Interestingly, these developments occur within the Western international order. Acceptance of such limitations on sovereignty indicates a level of trust between states within the order, and especially of the hegemon, not usually associated or seen anywhere else within world politics. This suggests the proliferation of Western ideology and order does not automatically mean all states adopt or develop at the same pace. For example, it is difficult to see India and Pakistan breaking the realist paradigm in the near future.

<sup>21</sup> Reus-Smit, op.cit., p.14.

society.<sup>22</sup> Critical theorists argue even anarchy and self help are institutions. Alexander Wendt claims ‘anarchy is what you make of it.’<sup>23</sup> Reus-Smit identifies two fundamental institutions of the modern society of states; multilateralism and international law.<sup>24</sup>

In the aftermath of conflict victorious powers impose order within the international system.<sup>25</sup> Order, at least, balances competing interests, and, at best, brings a level of stability and predictability to the system. Realism remains unsurprised at this objective. Realism argues order benefits the great powers through the entrenching of the predominant powers’ ideology over the vanquished. Order thus becomes synonymous with the maintenance of the status quo and the strength of the great powers.

Realism claims all institutions are reflections of great power interests, and are therefore self serving attempts at maximising relative power gains. Given the United States preponderant power after War War II, it is surprising, if not contradictory, to realist claims the US did not adopt a unilateral and dominant stance in the construction of the new order. Moreover, neorealist hegemonic stability theorists claim the liberal economic order reflected American interests. However, this does not explain the adoption of multilateralism as the institution to deliver that order. Under neorealist theory hegemons prefer bilateral forms of interstate cooperation. This enables hegemons to exploit their relative power gains over other states. Yet multilateralism actually reduces these gains for the hegemon. Why then did the United States pursue multilateralism as the pillar for the new ‘world order’? But, first what is multilateralism?

A nominal definition counts any institutionalised cooperation between more than two states as multilateralism.<sup>26</sup> John Ruggie provides a qualitative definition highlighting the reciprocity and recognition inherent within the term.

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<sup>22</sup> Bull, op.cit., p.71. These five institutions are international law, the diplomatic mechanism, the great powers, the balance of power and war.

<sup>23</sup> Alexander Wendt, ‘Anarchy Is What States Make of It: The Social Construction of Power Politics’, *International Organisation*, Vol. 46, No.2, Spring 1992, p.395 in Mearsheimer, op.cit., p.40.

<sup>24</sup> Reus-Smit, op.cit., p.7.

<sup>25</sup> Randall Schweller, ‘The Problem of International Order Revisited’, *International Security*, Vol. 26, No. 1, Summer 2001, p.165. There are three generic options open to the hegemon; domination, abandonment, and transformation. All three options create a specific type of *international order*. For example, domination creates hierarchy, abandonment establishes balance of power, and transformation forms a constitutional order. However, for hegemons *international order* maintains their supremacy with the least effort.

<sup>26</sup> Christian Reus-Smit, ‘Multilateralism’, in *Order and Justice in World Politics Study Guide*, Deakin University, Geelong, p.42.

*Multilateralism is an institutional form that coordinates relations among three or more states on the basis of generalised principles of conduct.*<sup>27</sup>

The United States rejected a return to collective security, alliances and balance of power as a means to mitigate against the anarchy of the 1900-1945 era. Arguably, the failure of these mechanisms to moderate against conflict sparked the creation of the new order. Lisa Martin contends a combination of bipolarity and multilateralism underwrote the new order.<sup>28</sup> However, the design of the system started in 1942, and bipolarity did not commence before 1946.<sup>29</sup> Moreover, multilateralism predates American hegemony by almost 100 years.

Ruggie demonstrates the United States sought to project the New Deal onto the international order. The domestic success of the New Deal coupled with the belief internal reform needed a compatible international order stimulated the United States to institutionalise a multilateral international economic and social order.<sup>30</sup> Moreover, multilateralism means the involvement of many states within the new order. This democratic approach further mirrors the American domestic political ideology. The imposition of a constitutional order benefits the hegemon through reduced transaction costs, the deflection of dissent from weaker states and greater stability. However, American multilateralism meant American leadership and, when required, unilateralism. American leadership ensured a permanent seat and veto within the United Nations Security Council. American leadership meant control of NATO. American unilateralism included the rejection of the International Trade Organisation (ITO).

The institutionalisation of multilateralism in the aftermath of World War II is a direct derivative of *American* hegemony not merely *American hegemony*.<sup>31</sup> American influence clearly shaped the form of multilateralism. The democratic nature of multilateralism ensures this institution is more than a vehicle for the great powers. The disjunct between economic and political multilateralism during the 1970s and 1980s promoted Third World interests, and provoked the major powers towards unilateralism. The end of the Cold War provided an opportunity to revive multilateralism. Such a revival may overcome the statist tendencies of multilateralism and build an inclusive world order. The acceptance of NSA within a multilateral

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<sup>27</sup> John Ruggie (ed.), *Multilateralism Matters The Theory and Praxis of an Institutional Form*, Columbia University Press, New York, 1993, p.11.

<sup>28</sup> Lisa Martin 'The Rational State Choice of Multilateralism' in John Ruggie (ed.), *Multilateralism Matters The Theory and Praxis of an Institutional Form*, Columbia University Press, New York, 1993, p.112.

<sup>29</sup> J.J. Cosgrove & J.K. Kreiss, *Two Centuries An Outline of History from 1789 to 1953*, Pitman Publishing, Sydney, 1982, p.480.

<sup>30</sup> Ruggie, op.cit., p.30.

<sup>31</sup> *ibid.*, p.31.

framework would refresh multilateralism and ensure the development of the new order avoids the 'pseudo-multilateralism' of Charles Krauthammer.<sup>32</sup>

David Lake asserts 'states form institutions because important interests are at stake.'<sup>33</sup> Security is of vital interest in an anarchical society. Consequently, the institution of security is as foundational an institution as multilateralism and international law. Alliances, concerts and collective security organisations mitigate against conflict endemic within anarchy. Neorealists suggest two forms of cooperation, balance of power and hegemony, also lessen the chances of conflict. Balancing can either be internal or external, and strengthens the state *vis a vis* society. Therefore, the fortification of sovereignty reduces the chances to institute system level governance. Within hegemony the preponderant power exerts influence territorially, politically or economically.

Realist balance of power theory holds the post World War II order and concomitant international institutions arose as a Western counter to the Soviet threat. NATO was a direct riposte to Soviet power. Similarly, realist hegemony theory contends American incentives to the Western democracies encouraged their participation in the new order. These contentions overlook the major features of the Western order created in the aftermath of World War II.

David Lake highlights the very form of the order and the timing of its creation suggests the role and importance of security institutions.<sup>34</sup> The United States adopted a relatively anarchic institution (NATO) as its security arm in the Western order. This institution sired an organisation replete with its own command structure, procedures and national troop allocations. Moreover, the development of this institution occurred prior to the creation of the bipolar order. Schweller suggests the US uses NATO to project and enhance its power. However, he contradicts himself:

*The transparent nature of the American policy and a web of multilateral institutions reassures secondary and weak states that the US is reliably committed to forgo the arbitrary exercise of its power.*<sup>35</sup>

In other words, access to power for other states within the American 'empire' and concomitant restraint of hegemonic power produces a denser more complex order than seen under balance of power and hegemony. Deudney and Ikenberry refer to this as a co-binding security practice.<sup>36</sup> The acceptance of mutual constraint, especially by the hegemon, reduces risks and uncertainties associated with anarchy. Such reciprocity is both a feature of co-binding security and an attempt to avoid the

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<sup>32</sup> Charles Krauthammer, 'The Unipolar Moment', *Foreign Affairs*, Vol.70, No.1, Winter 1990/1991, p.25 in Schweller, *op.cit.*, p.173.

<sup>33</sup> David Lake, 'Beyond Anarchy The Importance of Security Institutions', *International Security*, Vol. 26, No. 1, Summer 2001, p.157.

<sup>34</sup> *ibid.*, p.129.

<sup>35</sup> Schweller, *op.cit.*, p.162.

<sup>36</sup> Deudney, *op.cit.*, p.182.

problems of anarchy found in the inter-war years; the security dilemma, arms races, balancing alliances, and ultimately the threat of war. This practice is, therefore, a specific contextual and temporal response to a historical problem.

Schweller suggests binding institutions cannot simultaneously be mechanisms of hegemonic self-restraint and tools of hegemonic power.<sup>37</sup> However, this search for certainty is constrained by the sheer complexity of the modern world. Moreover, Schweller's assertion dismisses the competing demands of co-binding. Both the Americans and Europeans saw the value of co-binding. For the Europeans it was very much a case of keeping the 'Russians out, the Germans down, and the Americans in.'

Schweller correctly points out co-binding security institutions did not prevent US unilateral actions; the Senate rejection of the ITO (1947), the heavy handed approach to the Suez Crisis (1956), the maintenance of flexible response despite European criticisms, and the normalising of relations with China (1971).<sup>38</sup> These unilateral actions continue in the post Cold War era. George Bush dismissed Russian attempts to contribute to the post Cold War order;

*What worries me is talk Germany must not stay in NATO. To hell with that! We prevailed, they didn't. We can't let the Soviets clutch victory from the jaws of defeat.*<sup>39</sup>

Frequent American military interventions from Somalia to Afghanistan also underscore American capacity to project military power either independently or with modest international institutional constraint. Admittedly, the United States has sought to elicit support via either the United Nations or via a coalition of forces for some of these actions.

NATO, today, may still serve the same function it did on its creation - engaging America, binding Germany and excluding Russia. However, the likely extension of NATO eastwards, and the eventual inclusion of Russia may contribute to a unified, democratic, 'peaceful' and, stable Europe. Schweller claims NATO offers little security and assurances as to how America exercises power.<sup>40</sup> Waltz agrees that American behaviour 'provides little evidence of self restraint in the absence of countervailing power.'<sup>41</sup> NATO itself acts as a countervailing force and provides assurances to members of treatment not only from America but from member states. The continued inclusion of European states should further foster stability with new member states influenced not simply via American power but through the institution of security as encapsulated by NATO.

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<sup>37</sup> Schweller, op.cit., p.163.

<sup>38</sup> Lord Ismay, the first Secretary General of NATO, in Deudney, op.cit., p183.

<sup>39</sup> Schweller, op.cit., p.180.

<sup>40</sup> *ibid.*, p.186.

<sup>41</sup> Kenneth Waltz, 'Imitations of Multipolarity', Birthe Hansen & Bertel Heurlin (eds.), *The New World Order*, Macmillan, London, 2000, p.5 in loc.cit.

Bull defines international law as a 'body of rules governing the mutual interaction...of states and other agents in international politics.'<sup>42</sup> Higgins emphasises a normative approach;

*The role of law is to provide an operational system for securing values...we all desire – security, freedom...an efficacious legal system can also contain competing interests...*<sup>43</sup>

Realists from Hobbes onwards challenge whether international law exists at all, 'where there is no common power, there is no law.'<sup>44</sup> Austin even suggests the lack of a sovereign within the international sphere serves to provide positive international morality instead of international law.<sup>45</sup> Nonetheless, international law originally provided minimal order, protected the territorial rights of states, prevented aggression, and kept agreements. These basic rules reflect the goals of Bull's international society.

International law derives from the law of nature, and provides a set of principles for state conduct. This international law emphasised the rights of sovereigns and states and reinforced the status quo. Challenges to monarchical legitimacy in the eighteenth and nineteenth centuries transformed law into a reciprocal accord. Legitimacy derived from democratic participation in the production and application of the law. States observed the law because it represented and recognised all states. Or did it?

Kennedy notes international law replaced religion as a universalist ideology.<sup>46</sup> Thus, international law operated as a mechanism of exclusion. Western ideals underpin international law and actively work to exclude non-European peoples, and introduce the logic of state orthodoxy. Indeed, the greatest exclusion centres on the problem of subject and object. Clearly, the only subject for early international law is the state, a state as defined by the Euro-centric international system. The state gains a legal force and personality. This personality provides the states the right to introduce, exercise, and enforce the law. Consequently, the only full members of the UN are states, the degree of legal personality held by international organisations derives from their member states, and only states may bring contentious proceedings before the International Court of Justice.<sup>47</sup> Conversely, the objects of international law (non-states like individuals and transnational corporations) have no rights under international law. International law becomes an 'artifact of state practice.'<sup>48</sup> The

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<sup>42</sup> Bull, op.cit., p.122.

<sup>43</sup> Higgins in Reus-Smit, C., 'International Law', in *Order and Justice in World Politics Study Guide*, Deakin University, Geelong, p.30.

<sup>44</sup> Hobbes, *Leviathan*, Blackwell, London, 1946, p.83 in Bull, op.cit., p.124.

<sup>45</sup> loc.cit.

<sup>46</sup> Cutler, op.cit., p.136.

<sup>47</sup> *ibid.*, p.140

<sup>48</sup> *ibid.*, p.137.

Hague Conferences of 1899 and 1907 provide further proof of state domination and influence over international law. First, the 27 and 44 representatives respectively were all states.<sup>49</sup> Second, the great power interests of Britain and Germany set the agenda and determined the outcomes. One outcome was recognition of the link between states and the law, ‘the society of civilised nations recognises the existence of legal principles and rules to a common standard – international law.’<sup>50</sup>

The nature of international law has altered since the end of World War II. International law is no longer seen as purely ‘between states only and exclusively.’<sup>51</sup> An explosion of interest in the rights of the individual reflects the idea human beings are subjects of international law. The charters of Nuremberg, the Tokyo War Crimes Tribunals, and the Universal Declaration of Human Rights (1948) provide substance to this claim.

This upsurge of interest in individual rights contemporaneously occurred with the advent of American international supremacy. International interest replicated the American domestic emphasis on the rights of the individual, enshrined as the Bill of Rights in the US constitution. Consequently, the transformation of international law is an outcome of great power interest. However, this revolution produces a constitutive impact.

Jessup claims international law is transmuting to ‘transnational law’, Jenks sees the emergence of the ‘common law of mankind’, and Corbett posits a ‘world law’ is attainable. Notably, the law now extends to corporations. Regulations within the economic, social, and environment arenas have created access for corporations to a range of dispute fora. Interestingly, corporations tend to avoid the adoption of legal personality due to the inherent liabilities.

This redefining of subjects, especially the recognition of individual rights, subverts the society of states and the international order. If the rights of the individual can be asserted against the claims of the state then the very sovereignty of the state is questionable. This subversion may produce a more cosmopolitan or world community. The continual penetration of state boundaries also contributes to this subversion. For example, the UN Security Council decision to intervene in East Timor implies a shift towards an acceptance of an element of global justice within the international sphere.

American power released the initial wave of transformation within international, however, the ripples of change threaten to engulf the world community. Do states and great powers retain a measure of sovereignty and influence within international law? Certainly, they may choose to ignore decisions against them. However, they risk both international opprobrium and censure, and arguably, a denial of entitlements including the severing of diplomatic relations, denial of entry or banning from international

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<sup>49</sup> David Thomson, *Europe Since Napoleon*, Penguin, New York, 1985, p.538.

<sup>50</sup> ‘Report to the Conference from the Third Commission on Pacific Settlement of International Disputes’ in Reus-Smit, *The Moral Purpose of the State*, p.142.

<sup>51</sup> Bull, *op.cit.*, p.139.

organisations, and the withdrawal of financial aid. Non compliance may also erode reputation and undermine the legitimacy of the state. These sanctions provide a level of enforcement realists such as Morgenthau and Waltz deny exists.<sup>52</sup> The law then conditions the state and impacts on its behaviour and identity in a deeper, constitutive way. International law may well have started life as a great power vehicle but as an institution it operates more globally than realists admit.

Anarchy and uncertainty are features of a realist international system. States use self-reliance to achieve security and survival within such a system. Conflict and self-interest are the only certainties within anarchy. Cooperation mitigates against conflict. Consequently, states employ international institutions as one method to achieve cooperation. Self-interest for the most powerful states, or great powers, is the maintenance of their position and power. In other words, the maintenance of the international order and their primacy within it.

Reus-Smit explains international societies contain historical and cultural contexts. This approach broadens, if not negates, the ahistorical and binary nature of realism. Reus-Smit highlights three levels of international institutions operate within international societies. These levels are foundational, fundamental, and issue-specific. These institutions interact in a hierarchal fashion with influence trending from the foundational level downwards. Consequently, the metavalue of sovereignty underpins and impacts on fundamental institutions such as multilateralism, international law and security.

The great powers of respective epochs directly contributed to the creation of each of these institutions. The motivation for the construction of these international institutions was to further great power self-interest. This invariably meant the redesign of the international order in the image of the maker. Once formed each institution became subject to global changes. These changes altered the nature of the institution. Consequently, the constitutive nature of institutions effects the social identity of the great powers and the international system. The great powers created an international order but a combination of global change and maturing international institutions is arguably introducing an element of global governance into world politics.

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<sup>52</sup> Morgenthau and Waltz in Reus-Smit, *International Law*, p.30.

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